

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

To:

F. R. KELLY & CO.
Attn: Boyce, Conor
27 Clyde Road
Ballsbridge, Dublin 4
IRELAND

(PCT Rule 44.1)

Date of mailing
(day/month/year)

28/12/2006

Applicant's or agent's file reference

E76511PC00

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/EP2006/008342

International filing date
(day/month/year)

25/08/2006

Applicant

FOTONATION VISION LIMITED

- 1 ☒ The applicant is hereby notified that the International search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 43 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338 82 70

For more detailed instructions, see the notes on the accompanying sheet.

- 2 ☐ The applicant is hereby notified that no International search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

- 3 ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made

4 Reminders

Shortly after the expiration of 18 months from the priority date, the International application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the International application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis 1 and 90bis 3, respectively, before the completion of the technical preparations for International publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an International preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for International preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority

European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel (+31-70) 340-2040, Tx 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Leila Kuhnén

RECEIVED

29 DEC 2006

COMPUTER GENERATED

(See notes on accompanying sheet)

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P76511PC00	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below	
International application No PCT/EP2006/008342	International filing date (day/month/year) 25/08/2006	(Earliest) Priority Date (day/month/year) 18/11/2005
Applicant FOTONATION VISION LIMITED		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau

This international search report consists of a total of 4 sheets

☒ It is also accompanied by a copy of each prior art document cited in this report

1. Basis of the report

- a With regard to the **language**, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12 3(a) and 23 1(b))

- b ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No I

- 2 ☐ Certain claims were found unsearchable (See Box No II)

- 3 ☐ Unity of invention is lacking (see Box No III)

- 4 With regard to the **title**,

☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

- 5 With regard to the **abstract**,

☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

- 6 With regard to the **drawings**,

- a the figure of the **drawings** to be published with the abstract is Figure No. 3
☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
 b ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2006/008342

A. CLASSIFICATION OF SUBJECT MATTER

INV. G06T5/00

ADD. G06T7/40

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06T

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and where practical search terms used)

EPO-Internal, WPI Data, INSPEC, IBM-TDB

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category ¹	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
A	EP 1 528 509 A (NORITSU KOKI CO LTD [JP]) 4 May 2005 (2005-05-04) abstract; figures 1-10 paragraph [0002] - paragraph [0012] paragraph [0017] - paragraph [0050]	1-51
A	US 6 407 777 B1 (DELUCA MICHAEL JOSEPH [US]) 18 June 2002 (2002-06-18) the whole document	1-51
A	SMOLKA B ET AL: "Towards automatic redeye effect removal" PATTERN RECOGNITION LETTERS, NORTH-HOLLAND PUBL. AMSTERDAM, NL, vol. 24, no. 11, July 2003 (2003-07), pages 1767-1785, XP004416063 ISSN: 0167-8655 the whole document	1-51

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☒ Further documents are listed in the continuation of Box C ☒ See patent family annex

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
 E earlier document but published on or after the international filing date
 L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
 O document referring to an oral disclosure, use, exhibition or other means
 P document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
 X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
 Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
 Z document member of the same patent family

Date of the actual completion of the international search

19 December 2006

Date of mailing of the international search report

28/12/2006

Name and mailing address of the ISA/
European Patent Office P B 5818 Palensteinlaan 2
NL - 2280 HV Rijswijk
Tel (+31-70) 340-2040, Tx 31 651 epo nl
Fax: (+31-70) 340-3016

Authorized officer

Herter, Jochen

INTERNATIONAL SEARCH REPORT

International application No

PCT/EP2006/008342

C(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document with indication where appropriate of the relevant passages	Relevant to claim No
A	GAUBATZ M ET AL: "Automatic red-eye detection and correction" PROCEEDINGS 2002 INTERNATIONAL CONFERENCE ON IMAGE PROCESSING. ICIP 2002. ROCHESTER, NY, SEPT. 22 - 25, 2002, INTERNATIONAL CONFERENCE ON IMAGE PROCESSING, NEW YORK, NY : IEEE, US, vol. VOL. 2 OF 3, 22 September 2002 (2002-09-22), pages 804-807, XP010607446 ISBN: 0-7803-7622-6 the whole document -----	1-51
A	EP 1 199 672 A2 (XEROX CORP [US]) 24 April 2002 (2002-04-24) the whole document -----	1-51
A	US 6 873 743 B2 (STEINBERG ERAN [US]) 29 March 2005 (2005-03-29) cited in the application the whole document -----	1-51
A	WO 03/071484 A (PIXOLOGY LTD [GB]; JARMAN NICK [GB]; LAFFERTY RICHARD [GB]; ARCHIBALD) 28 August 2003 (2003-08-28) cited in the application the whole document -----	1-51

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/EP2006/008342

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 1528509	A	04-05-2005	CN 1612164 A JP 2005128942 A US 2005117173 A1	04-05-2005 19-05-2005 02-06-2005
US 6407777	B1	18-06-2002	NONE	
EP 1199672	A2	24-04-2002	JP 2002163649 A US 6718051 B1	07-06-2002 06-04-2004
US 6873743	B2	29-03-2005	US 6904168 B1 US 2002176623 A1 US 2002159630 A1 US 2004208361 A1	07-06-2005 28-11-2002 31-10-2002 21-10-2004
WO 03071484	A	28-08-2003	AU 2003201021 A1 CA 2477087 A1 EP 1476851 A1 GB 2385736 A JP 2005518050 T US 2004240747 A1	09-09-2003 28-08-2003 17-11-2004 27-08-2003 16-06-2005 02-12-2004

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No
PCT/EP2006/008342

International filing date (day/month/year)
25 08 2006

Priority date (day/month/year)
18.11.2005

International Patent Classification (IPC) or both national classification and IPC

INV. G06T5/00

ADD. G06T7/40

Applicant

FOTONATION VISION LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☐ Box No. V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later

For further options, see Form PCT/ISA/220

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Hörter, Jochen

Telephone No +49 89 2399-7478



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12 3(a) and 23 1 (b))
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c time of filing/furnishing:
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No
PCT/EP2006/008342

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application

☒ claims Nos 1-51

because:

☐ the said international application, or the said claims Nos relate to the following subject matter which does not require an international search (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos 1-51 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☐ no international search report has been established for the whole application or for said claims Nos

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter 1(a) or (b)

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions

☐ See Supplemental Box for further details

1. Reference is made to the following documents:
D1: EP-A-1 528 509 (Noritsu Koki Co. Ltd.) 4 May 2005
D2: US-B1-6 407 777 (DeLuca) 18 June 2002
D3: Smolka et al.: "Towards automatic redeye effect removal" Pattern Recognition Letters, North-Holland Publ. Amsterdam, NL, vol. 24, no. 11, July 2003, pages 1767-1785, XP004416063
2. **Item III: Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

No opinion with regard to novelty, inventive step and industrial applicability can be established since the claims fail to meet the requirements of Article 6 PCT.

Although claims 1, 33, 46 and 51 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. Hence, claims 1-51 fail to meet the requirements of Article 6 PCT.

3. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the closest prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
4. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
5. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2006/008342

disclosed in the documents D1, D2 and D3 is not mentioned in the description, nor are these documents identified therein.